

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.53 of 2022

In
Civil Writ Jurisdiction Case No.2482 of 2022

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1. The Bank of India through the Zonal Manager, Zonal Office, Yamuna Complex, Mithanpura Chowk, District-Muzaffarpur.
 2. The Chief Manager-cum-Authorized Officer, Bank of India, Gopalganj Branch, Gopalganj.

... .. Petitioner/s

Versus

Smt. Indu Devi @ Indu Singh, Wife of Prahlad Singh, resident of Mohalla-Jgaliya, Ward No.-18, Police Station-Gopalganj, District-Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Bihari Sinha Mr.Ajay Dutt Mishra, Mr.Anirudh Pd. Sinha & Mr.Amarjeet Chaoudhary, Advocates
For the Opposite Party/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 19-07-2024 The present civil review is filed to recall the order dated 02.03.2022 passed in CWJC No. 2482 of 2022.

2. As on 02.03.2022, the date on which CWJC was decided by the co-ordinate Bench, subject matter of premises was stated to have been auctioned on 25.02.2022. Neither the petitioner's counsel nor the Bank's counsel have apprised this Court to the extent that subject matter of premises was auctioned as on 25.02.2022. It was an oral judgment. Either of the counsel should have apprised this Court.

3. Be that as it may, 3rd party right has created by virtue of auction proceedings in the sense auction purchaser's



right has been created and vested. The same cannot be curtailed while restoring CWJC No. 2482 of 2022. Moreover, scope of civil review is limited to the extent of Order XLVII Rule 1 of CPC. That apart, petitioner had a fresh cause of action in the light of auction proceedings of the subject matter of the premises as on notifying the auction. Therefore, the present civil review is not entertainable by this Court. Further, we have noticed that writ petition itself was not maintainable, since review petitioner had a remedy of filing litigation before the D.R.T. and further before D.R.A.T.

4. At this stage, learned counsel for the review petitioner submitted that D.R.T. was not functioning. However, if the D.R.T. is functioning as on this date, he has remedy of invoking relevant provision in filing application/petition before the jurisdictional D.R.T. the same can be invoked by the review petitioner.

5. With that liberty, the present review petition stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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